

# Notice of Allowability

Application No.

09/447,077

Examiner

Wesley D Markham

Applicant(s)

BOOKBINDER ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed by the applicant on 3/26/2004.
2. ☒ The allowed claim(s) is/are 1,2,4,10-12,14,16-21,28,32,33,50-52 and 58.
3. ☒ The drawings filed on 02 December 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

WDM

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## **DETAILED ACTION / ALLOWANCE**

### ***Response to Amendment***

1. Acknowledgement is made of the amendment filed by the applicant on 3/26/2004 (with a certificate of mailing dated 3/24/2004), in which non-elected Claims 34 – 49 and independent Claim 53 were canceled. This amendment has been entered, and as such, Claims 1, 2, 4, 10 – 12, 14, 16 – 21, 28, 32, 33, 50 – 52, and 58 are currently pending in U.S. Application Serial No. 09/447,077.

### ***Drawings***

2. The formal drawings (2 figures, 2 sheets) filed by the applicant on 12/2/2002 (with a certificate of mailing dated 11/26/2002) are approved by the examiner.

### ***Allowable Subject Matter***

3. Claims 1, 2, 4, 10 – 12, 14, 16 – 21, 28, 32, 33, 50 – 52, and 58 are allowed.
4. The following is an examiner's statement of reasons for allowance: Independent Claims 1 (from which Claims 2, 4, 10 – 12, 14, 16 – 21, 28, 32, and 33 depend) and 58 require that the protective layer coated on the silica-containing article / preform used to manufacture an optical fiber be organic, particulates be removed from the protective layer by cleaning, and the protective layer be ablated (i.e., removed) by heating during subsequent processing of the silica-containing article (e.g., fiber drawing). The prior art of record, alone or in combination, does not teach or reasonably suggest all of the aforementioned claim limitations in the context of

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independent Claims 1 and 58. For example, the closest prior art of record, Tsuji et al. (JP 02-258643 A), teaches that the protective resin layer is removed from the optical fiber preform by peeling, not ablated by heating. Independent Claim 50 (from which Claims 51 and 52 depend) requires that the protective layer consist essentially of a silane. The prior art of record, alone or in combination, does not teach or reasonably suggest this claim limitation in the context of independent Claim 50.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley D Markham whose telephone number is (571) 272-1422. The examiner can normally be reached on Monday - Friday, 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (571) 272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WDM

Wesley D Markham  
Examiner  
Art Unit 1762



**SHRIVE P. DECK**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1700**